BILL NO. Z-67-07-12

ZONING MAP ORDINANCE NO. Z-129-67

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. JJ-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. JJ-2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

north, hange it, late, allow County, inclaim, and turbus bounded and described as rollows:

Beginning at an iron pin at the southwesterly corner of said Fractional Section 7, Township 30, North, Range 12, East; thence North 0° 00' 11" West along the westerly line of said Fractional Section 7, Township 30, North, Range 12, East, 333.87 feet to the principal place of beginning of the premises herein intended to be described;

Course I Thence continuing North 0° 00' 11" West along said westerly line of Fractional Section 7, Township 30, North, Range 12, East, 2352.22 feet to a corner post at the southwesterly corner of land conveyed to Inverness Investors, Inc., by deed recorded in Volume 660, Page 178 of Allen County Deed Records;

Course II Thence South 89° 47' 00" East along the southerly line of land conveyed to Inverness Investors, Inc., 702.30 feet to a steel beam;

Course III Thence North 0° 56' 11" East 335.13 feet to a corner post;

Course IV Thence North 89° 44' 17" East along a southerly line of land conveyed to Inversess Investors, Inc. and the southerly line of Walnut Hills Terrace Addition, 1323.13 feet to a point in the centerline of Getz Road;

Course V Thence South 0° 34' 33" East along said centerline of Getz Road, 50.00 feet to a point;

Course VI Thence South 89° 44° 17" West along the northerly line of Covington Acres Amended Addition, 783.45 feet to a steel beam;

Course VII Thence South 0° 09' 44" West along the westerly line of said Covington Acres amended Addition, the westerly line of land conveyed to Joseph H. & I. Irene Putt by deed recorded in Volume 632, Page 290 of Allen County Deed Records and the westerly line of land conveyed to Ethel La Vergne by deed recorded in Volume 466, Page 547 of Allen County Deed Records, 1623.30 feet to a steel beam;

Course VIII Thence North 89° 53' 04" East along the southerly line of land conveyed to It'll La Vergne, 542.70 feet to a point, said point being distant South 89° 53' 04" Leat 258.00 feet from the centerline of Getz Road;

Source IX Thence South 13° 57' 56" East 150.00 feet to a point;

Course X. Thence South 49° 43' 33" West 345.20 feet to a point;
Course XI - Thence South 89° 47' 49" West 1133.66 feet to a point;
Course XII - Thence South 0° 12' 11" East 600.63 feet to a point;
Course XIII Thence South 89° 47' 49"West, 427.40 feet to the principal place of beginning
Course thing 64.3132 acres of land be the same more or less, but subject to all legal

STATE OF INDIANA)) SS: COUNTY OF ALLEN)

BEFORE THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA

The Common Council of the City of Fort Wayne, Allen TO: County, Indiana:

The undersigned, being the owner of the following described property located in Allen County, State of Indiana, to wit:

Situated in the Fractional Southwest one-quarter of Section 7, Township 30, North, Range 12, East, Allen County, Indiana, and further bounded and described as follows:

Beginning at an iron pin at the southwesterly corner of said Fractional Section 7, Township 30, North, Range 12, East; thence North 0° 00' 11" West along the westerly line of said Fractional Section 7, Township 30, North, Range 12, East, 338.87 feet to the principal place of beginning of the premises herein intended to be described;

Thence continuing North 0° 00' 11" West along said westerly line of Fractional Section 7, Township 30, North, Range 12, East, 2352.22 feet to a corner post at the scuthwesterly corner of land conveyed to Inverness Investors, Inc., by deed recorded in Volume 660, Page 178 of Allen County Deed Records;

Thence South 89° 47' 00" East along the southerly line of land conveyed to Inverness Investors, Inc., 702.30 feet to a steel beam;

Thence North 0° 56' 11" East 335.13 feet to a corner post; Course III

Thence North 89° 44' 17" East along a southerly line of land conveyed to Course IV Inverness Investors, Inc. and the southerly line of Walnut Hills Terrace Addition, 1323.13 feet to a point in the centerline of Getz Road;

Thence South 0° 34' 33" East along said centerline of Getz Road, 50.00 feet Course V to a point;

Thence South 89° 44' 17" West along the northerly line of Covington Acres Amended Addition, 783.45 feet to a steel beam;

Thence South 0° 09' 44" West along the westerly line of said Covington Acres Course VII Amended Addition, the westerly line of land conveyed to Joseph H. & I. Irene Putt by deed recorded in Volume 632, Page 290 of Allen County Deed Records and the westerly line of land conveyed to Ethel La Vergne by deed recorded in Volume 466, Page 547 of Allen County Deed Records, 1623.30 feet to a steel beam;

Course VIII Thence North 89° 53' 04" East along the southerly line of land conveyed to Ethel Ia Vergne, 542.70 feet to a point, said point being distant South 89° 53' 04" West 258.00 feet from the centerline of Getz Road;

Thence South 13° 57' 56" East 150.00 feet to a point; Course IX

Thence South 49° 43' 33" West 345.20 feet to a point;

Course XI Thence South 89° 47' 49" West 1133.66 feet to a point;
Course XII Thence South 0° 12' 11" East 640.68 feet to a point;
Course XIII Thence South 89° 47' 49"West, 427.40 feet to the principal place of beginning and containing 64.3132 acres of land be the same more or less, but subject to all legal alganeys.

and the general welfare of the immediate community.

WHEREFORE, your Petitioner respectfully requests this Council to change the zoning of said tract to an "R-3" District.

Respectfully submitted,

DOWNING OF FORT WAYNE, INC.

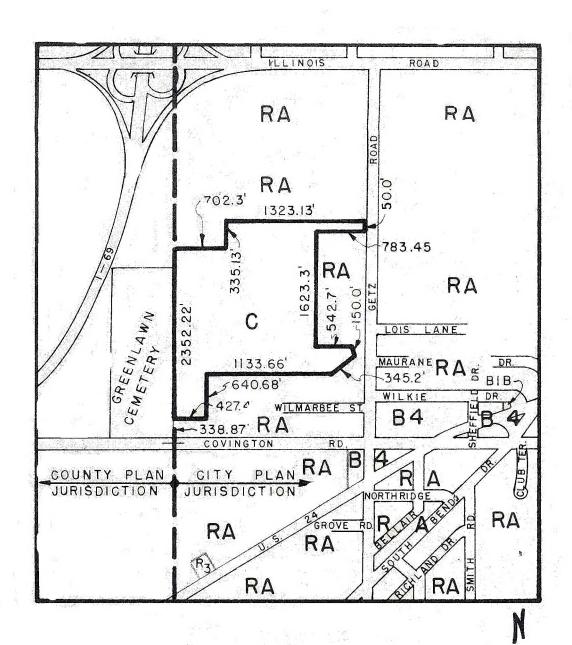
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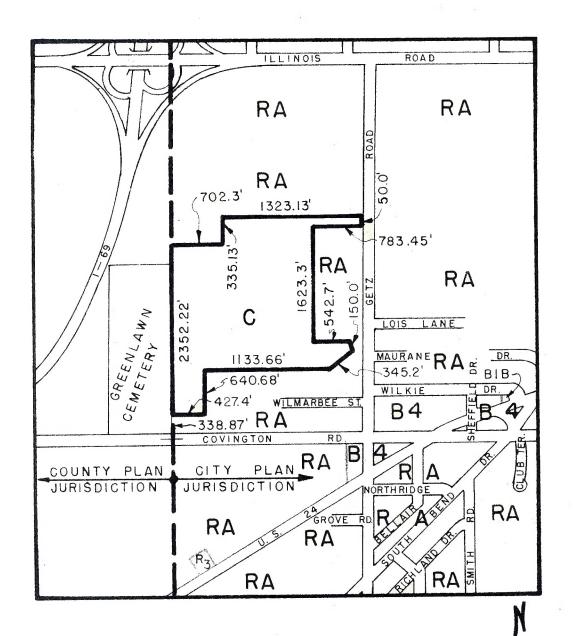
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C-CHANGE FROM RA TO R3



C-CHANGE FROM RA TO R3

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 11, 1967, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-67-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1967;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

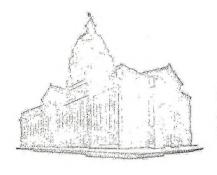
BE II FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1967.

Mary

Certified and signed this 5th day of December 1967.

Mary Ann Haynie Secretary



COUNTY OF ALLEN, INDIANA, LEGAL DEPARTMENT

1700 Lincoln Tower Phone 743-9706 Fort Wayne, Indiana, 46802

George P. Mallers, County Attorney Harry Scott, Assistant County Attorney

November 28, 1967

Mr. William J. Jones
Planning Director
Fort Wayne City Plan Commission
425 South Calhoun Street
Fort Wayne, Indiana 46802

Dear Bill:

Enclosed is a letter from the Board of Commissioners of Allen County, regarding the Covington Road.

Very truly yours,

ALLEN COUNTY ATTORNEY

George P. Mallers

GPM:jkm

Enclosure

Board of Commissioners

OF THE

County of Allen

ROOM 204, COURT HOUSE

FORT WAYNE, INDIANA



November 22, 1967

Mr. William J. Jones
Planning Director
Fort Wayne City Plan Commission
425 South Calhoun Street
Fort Wayne, Indiana
46802

Re: Covington Road

Dear Mr. Jones:

The Board of Commissioners of Allen County wants to thank you and the Technical Committee of the Highway Coordinating Board for the studies made regarding the proposed improvements to the Covington Road. This type of cooperation between the agencies of the City and County Government lends itself to better and more complete comprehensive planning.

The recommendations of the Technical Committee provide for widening of the Covington Road, from the East cemetery line to the intersection of the Covington Road and Highway 24. It is our understanding that these studies and recommendations anticipate the traffic problems that will be engendered by development of apartment complexes and shopping centers, as well as normal residential growth in this area.

The City Plan Commission wants the County Commissioners' opinion about the granting of a rezoning for certain apartment complexes, taking into consideration the traffic studies referred to above. The Board of Commissioners is mindful of the fact that the City Plan Commission considers many factors, including traffic, in their ultimate decisions. Indeed, sound planning should not hang on questions of traffic alone. It would be ideal to build the ideal road system prior to allowing developments, but, unfortunately, the monies available with which to make such improvements are not enough to always follow the ideal type of plan.

Mr. William J. Jones November 22, 1967 Page 2

We have been advised by our legal counsel, also, that putting too stringent conditions on a property owner seeking rezoning may create an arbitrary taking of one's lands, without just compensation and without due process of law.

The Board of Commissioners of Allen County feels that, in this particular case, the rezoning should be allowed, and the improvements permitted to be built, without requiring the property owners to participate in improvement costs and land acquisition costs. We are certain that, as time goes along and these improvements create more traffic, we are faced with an improvement of the Covington Road. However, we feel that it would be manifestly unfair to all of the citizens of Allen County to stop the growth of the community on the sole basis that the roads servicing the proposed improvements may some day have to be widened. If, in time, the traffic generated requires such improvements, the improvements will then be made.

It would be the recommendation of the Board of Commissioners of Allen County that the proposed rezoning for the apartment complex, known as Colony Bay, be recommended as a "do pass".

Very truly yours,

THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA

By: The Muyer
By: Take

jkm

Abstained from voting on this matter by:

Onarley Savrick

Bill No. Z-67-07-12
REPORT OF THE COMMITTEE ON REGULATIONS
We, your Committee on <u>Regulations</u> to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. JJ-2,
differenting the city of fort wayne Zoning Map No. 33-2.
have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.
PHIL A. STEIGERWALD, Chairman Thill Hely our of
HERBERT G. TIPTON, Vice-Chairman Herbert Africa
VERLIN H. BUCHANAN
JOHN H. ROBINSON Shan I Lilium
JACK K. DUNIFON.
CONCURRED IN
DATE 12-12-67 FUAD G. BONAHOOM, CITY CLERK

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(Governmental Unit)

AllenCounty, Ind. FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Body	number of lines	1		146	
Tail	number of lines			2	
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148 lines, columns wide equals equivalent lines at 288¢ cents per line	\$ 42.62
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	,
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	\$ 42.62

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type $5\frac{1}{2}$ point
Number of insertions2	Size of quad upon which type is cast5.1

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 15,

ASSISTANT SECRETARY Title.. inf; degrees ER'S AFFIDAVIT

332 ared before me, a notary public in and for said county and state, the NOLD F. SCHERERwho, being duly sworn, says SSISTANT SECRETARY

OURNAL-GAZETTE

newspaper of general circulation printed and published

anguage in the city } of FORT WAYNE, INDIANA

nty aforesaid, and that the printed matter attached hereto is a true copy, one, to-wit: Councilman published in said paper for time..... S, the dates of publication being

January 5, 1968

January 12,1968

FAUD G. BONAHOOM,
City Clerk.
EDWIN J. ROUSSEAU,
Presiding Officer.
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Notary Public

March 8, 1970

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Birl No. Z-67-07-12; ZONING MAP ORDINANCE NO. Z-129-67 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. JJZ.	State of Indiana ALLEN County) ss	
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diana, and further bounded and described as follows: Beginning at an Iron pin at the south- westerly corner of said Fractional Sec-		iblished in said paper for 2 time	
tion / Township 30 North, Regel 11 Bust thence North 0 degrees 00° 11' West along the westerly line of sail of Fractional Section 7, Township 30 North, Range 12 East, 338.87 feet to the princi-		January 5, 1968 January 12,1968	
pal place of beginning of the premises herein intended to be described; COURSE 1 Thence continuing North 0 degrees 00 11" West glong said westerly		3644	January 19 68
diana, and turner bounded, and tessented as follows: Beginning at an iron pin at the south- westerly corner of said Fractional Sec- tion, 7, Township 30, North, Range 12. Enst: thence North 0 degrees 00 1111 West along the westerly line of sail of Fractional Section 7, Township 30, North, Range 12 East, 338.87 feet to the princi- pal place of beginning of the princi- pal place of beginning of the princi- pal place of beginning of the premises herein intended to be described; COURSE 1 Thence continuing North 0 degrees 00: 1111 West along said westerly line of Fractional Section 7, Township 30, North, Range 12, East, 2352.22 feet to a corner post at the southwesterly corner of land conveyed to inverness investors, Inc. by deed recorded in Volume 660, Page 178 of Allen County Deed Records, Course II Thence South 89 degrees 47 00: East along the southerly line of land conveyed to inverness investors, Inc., 702.30 feet to a steel beam, Course III Thence North 0 degrees 56 111 East 335.13 feet to a corner post.	Subscribed and sv My commission e	Marah 9 1070	January 19 68 Stableton Notary Public
land conveyed to Inverness Investors, Inc., 702.30 feet to a steel beam, Course III Thence North 0 degrees 56 III East 335.13 feet to a corner post, Course IIV, Thence North 89, degrees			
44 17 East along a southerly line of land conveyed to Inverness Investors, Inc. and the southerly line of Walnut Hills 1323.3 feet to a point		** ***	
Gourse V Thence South 0 degrees 34' 33' Fort along said centerline of Getz Road,	, X* a		
50.00 feet to a point; Course VI Thence South 89 degrees 44 77' West along the northerly line of Covington Acres Amended Addition, 783.45 feet to a steel beam; Course VII Thence South 0 degrees			

702,30. feet fo a steel beam;
Course III Thence North 0 degrees
56' 11" East 335,13 feet to a corner post;
Course IV Thence North 89 degrees
44' 17" East along a southerly line of
and conveyed to Inverness Investors; Inc.
and the southerly line of Walnut Hills
Terrace Addition, 1323,13 feet to a point
in the centerline of Getz Road;
Course V Thence South 0 degrees 34' 33"
East along said centerline of Getz Road,
50.00 feet to a point;
Course VI Thence South 89 degrees
44' 17" West along the northerly line of
Covington Acres Amended Addition, 783,45
feet to a steel beam;
Course VII Thence South 0 degrees
09' 44" West along the westerly line of
said Covington Acres Amended Addition,
the westerly line of land conveyed to
Joseph H. & I. Irene Put by deed recorded in Volume 632, Page 290 of Allen
Courly Deed Records and the westerly
line of land conveyed to Ethel La Vergne
by deed recorded in Volume 466, Page
547 of Allen County Deed Records, 1623,30
feet to a steel beam;
Course VIII Thence North, 89 degrees
53' 04" East along the southerly line of
land conveyed to Ethel La Vergne, 542,70
feet to a point, said point being distant
South 89 degrees 53' 04" West 258,00 feet
from the centerline of Getz Road;
Course IX Thence South 13' degrees
12' 11" East 846,06 feet to a point;
Course XII Thence South 9 degrees
12' 11" East 846,06 feet to a point;
Course XIII Thence South 9 degrees
14' 49" West 1133,66 feet to a point;
Course XIII Thence South 9 degrees
14' 49" West 1133,66 feet to a point;
Course XIII Thence South 9 degrees
14' 17" West 1133,66 feet to a point;
Course XIII Thence South 89 degrees
14' 18' West 258,00 feet
15' Seast 150,00 feet to a point;
Course XIII Thence South 89 degrees
16' 11" East 846,06 feet to a point;
Course XIII Thence South 89 degrees
17' 14" West 1133,66 feet to the principal
place of beginning and containing 64,3132
acres of land be the same more or less,
but subject to all legal highways

SECTION 2. This Ordinance shall be
10 full force and effect from and affer
11 full and on
11 full a

PHIL A. STEIGERWALD,
Councilman.
Read the third time in full and on
motion by Steigerwald seconded by Fay
and duly adopted, placed on its passage.
Passed by the foilowing vote:
Ayes eight
Dunifon, Fay, Hinga, Nuckols, Robinson, Rousseau, Steigerwald, Tipton.
Nays, none

Nays none Absent one, to-wit: Councilman

Absent one, to-wit: Councilman
Buchanan,
Date: 12-12-67.
FUAD G. BONAHOOM,
City Clerk.
Passed and adopted by the Common
Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No.
Z-12-67 on the 12th day of December, 1967.

ATTEST: (SEAL)
FAUD G. BONAHOOM,
City Cler

PAUD G. BONAHOOM,
City Clerk.
EDWIN J. ROUSSEAU,
Presiding Officer.
Presented by me to the Mayor of the
City of Fort Wayne, Indiana, on the 13th
day of December, 1967 at the hour of
10:00 o'clock A.M., E.S.T.
FAUD G. BONAHOOM,
City-Clerk

Approved and signed by me this 14th day of December, 1967, at the hour of 9:03 o'clock AM., E.S.T.

I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-129-67 passed by the Common Council on the 12th day of December, 1967, and that said Ordinance was villy signed, and approved by the Mayor on the 14th day of December, 1967, and the folial seal of the City of Fort Wayne, Indiana, this 27th day of December, 1967. BONAHOOM, FUAD G. BONAHOOM, City Clerk.